



## **Juvenile Law Commission**

**May 12, 2004**

### **Commission Members Present**

Katie Humphreys  
Susan Carpenter  
Steve DeMougin  
Roger Duvall  
Ralph Foley  
Larry Landis  
Bob Marra  
Robert Rucker  
Viola Taliaferro  
Robin Tew  
Diane WeissBradley

### **Agency**

JLC Chair  
State Public Defender  
FSSA  
Scott County Prosecutor  
House of Representatives  
Public Defender Council  
IDOE  
Indiana Supreme Court  
Monroe Circuit Court  
ICJI  
Lake Co. Juvenile Court Probation

### **Commission Members Absent**

Melvin Carraway  
Bruce Donaldson  
Chessie Smith-Hacker  
Glenn Howard  
Robert Kuzman  
David Long  
James Payne  
Evelyn Ridley-Turner  
Connie Windhorst

### **Agency**

Indiana State Police  
IJJTF  
Youth Representative  
Senate  
House of Representatives  
Senate  
Marion Superior Court, Juvenile Div.  
DOC  
Parent Representative

### **Staff Present**

Micah Cox  
Nikki Kincaid

### **Agency**

ICJI  
ICJI

### **Contract Staff Present**

Laurie Elliott  
Jim Hmurovich  
Michelle Tennell

### **Agency**

IJJTF  
Consultant  
ICJI

- I. **Called to Order:** 10:35 a.m.  
By: Katie Humphreys, Chair of Juvenile Law Commission.
- II. **Minutes of April 14, 2004 meeting were distributed via e-mail and mail prior to meeting and distributed via handout for review.**  
Motion to Approve: Susan Carpenter  
Second: Justice Rucker  
Minutes approved by consensus without changes or additions.

Chair requests that Commission members provide updated contact information on sign-in sheet as well as a confirmation of preferred method of communication, if other than via e-mail.

- III. **Interagency/Systems Collaboration to Improve Services to Children**  
**\*Results of Statute & Administrative Rule Review by State Agencies**  
Chair recognized Jim Hmurovich. Mr. Hmurovich presented the responses provided by the State agency head or his/her designee regarding the JLC initiated study of the systems of care. After meeting with the ISDH (Indiana State Dept. of Health), DOE (Dept. of Education), DOC (Dept. of Correction), FSSA (Family & Social Services Administration), and the IJC (Indiana Judicial Center), the attachments in the JLC packet distributed at the May meeting numbered one through seven are the collated result of the State agencies' responses. The seven areas of study were: **Children In Need of Services and Juvenile Justice (Delinquents); Child Welfare Licensing; First Steps Program; Special Education; Detention Centers, Community Corrections and the Dept. of Correction; Department of Health; and Management of Probation Services Relating to Juveniles.**

The four pathways toward addressing the synthesis of the systems of care serving children and their families were identified as the previously agreed upon subcommittees of the Juvenile Law Commission: **Planning, Policy and System Development; Identification, Assessment and Service Referral; Information Sharing; and Integrated Funding.**

Mr. Hmurovich further confirmed the study's major findings.

1. Approximately \$1.5 billion dollars were spent on children and families' services in Indiana during FY 2002. This finding has been broken down according to service area and program as well as the portion of funding being contributed by the local, state and federal governments.
2. All Statutes have been reviewed. The "conventional wisdom" statements being made are that the children and families being served by the State are generally one and the same. In other words, whether the child is a CHINS, Special Education student, a consumer of the Juvenile Justice System or in need of Mental Health services, many of these children and their families are being served by many systems.

The responses given by the agencies were collated in a table format with the major headings being the Code Citations, Topics, Questions, and Results. The “Question” category was created to spur thought and conversation pertaining to the topic.

Regarding survey responses, Mr. Hmurovich clarified that the IJC responses were given by judges who sit on the Juvenile Justice Improvement Committee. He further stated that the DOE information/answers will be sent via e-mail within the next few days.

These documents may now be used as a basis for the subcommittees created by the Chair to use as a sort of “jumping off point.” Each document may be sent according to the subcommittee charge in a related format.

Chair then opened the floor for discussion.

Chair recognized Rep. Foley who wished to clarify that Attachment Seven lists Indiana Code out of the Indiana Probation Officers’ manual.

Justice Rucker asks why only some agencies responded to certain survey areas.

Jim Hmurovich responded that the written request for participation in the survey made by the Governor to each agency asked that they address issues directly relating to their service areas. He then gave an example of the Statute Review in Attachment One regarding whether the word “caseload” should be replaced with “workload” when reporting on the “caseloads” of child welfare workers.

Chair requested that Steve DeMougin give his opinion regarding this question.

Mr. DeMougin responded that while the word caseload is not as descriptive as the word workload, changing the semantics does nothing to change the situation.

The Chair offered to extend another opportunity for the State Agencies to provide any additional input and information they deem important.

The Chair then asked if there is anything else of note in the responses.

J. Hmurovich responded that the overriding theme is that those who took the time to provide input, invested a lot of energy and thought in this process and the Commission should be sure to utilize all of this valuable input. The frame of reference the Commission could use is to view these responses as if the State Agencies are testifying before the Commission.

The Chair requested that all Commission members carefully review the Attachments. These should be used as a foundation for all to take a fresh look at the systems and services they provide. The Commission members are also asked to review the recommended categorical membership of the subcommittees. Are there any other agencies or community groups that should be included in the subcommittee membership?

Chair then requested that all comments regarding the attachments be channeled back to Nikki Kincaid or Jim Hmurovich who will collate all information into topical subcommittees for review at next meeting.

Steve DeMougin made a request that page 11 of Attachment One be amended to state “DOC” bills counties...instead of “DFC” bills counties...

#### **IV. Discussion of Identifiable Goals for 2004**

##### **\*Discussion of “Cornerstone Issues”**

The Chair introduced the concept of having four basic cornerstone issues to guide the work of the Juvenile Law Commission and the JLC Subcommittees over the next seven months. A discussion regarding each of the proposed cornerstone issues ensued. Agreement was sought from the members regarding whether these issues should be considered as “cornerstones” and once agreement has been reached, developing the guiding questions that members wish to see addressed within each cornerstone issue during the next seven months.

When delegating some of the work and asking for broader input, the Commission needs to specify what the Cornerstone Issues, Guiding Principles, and Foundational Statements are for the Subcommittees. The Subcommittees or Task Forces, will then be able to undertake the narrower, prescriptive work required to make recommendations regarding these cornerstone issues.

The Chair then gave a synopsis of the charge of the JLC as stated in the original Executive Order.

Whereas, the laws governing children in need of services and delinquent juveniles are complicated and sometimes conflict; and

Whereas, the laws governing children in need of services and delinquent juveniles occasionally are at odds with what may be in the best interests of the child; and

Whereas, from time to time it is advisable to review and revise the laws...

**The Commission shall have as its major purpose to study and propose to the legislature, judiciary, and the Governor revision in the laws governing children in need of services and juvenile delinquents and the law governing their parents, guardians, and custodians. It is believed that the best interests of our children and our citizens are best served by having the laws affecting the component parts of the juvenile justice system studied as a whole rather than as separate units.**

*Issue One: Minimize labeling while maximizing service coordination so that there are not “wrong doors” to systems’ entry.*

Rep. Foley stated that there appears to be an “artificial door” of labeling particular acts by children or their families which cause their entry into the system.

Judge Taliaferro agrees and stated that we should be more concerned about where the child actually belongs, what the child’s needs are, and where they would best be served rather than how the child entered the system. When labeling does occur, CHINS are able to access certain services simply by virtue of their label, while other services then become unavailable to them. The same is true with the label of juvenile delinquent. These labels sometimes come with a deadly price tag.

Agreement was reached among Commission members that one Cornerstone Issue should be that there is “no wrong door” and that the same services should be available to all children on the other side of whatever door they enter into the system.

*Issue Two: Begin with the “best interests of children” and let the fiscal policy follow.*

Judge Taliaferro states branching between one category to the other or being in both CHINS and juvenile delinquency categories simultaneously should not preclude children from receiving services that are in their best interest.

Justice Rucker inquires whether these are policy decisions or statute decisions.

Judge Taliaferro responds that often times it is a policy decision of the FSSA. For instance the court cannot initiate a petition. This must be brought before the court by the OFC or the Prosecuting Attorney.

Roger Duvall agrees that it is often a game of “hot potato.” While each agency must be accountable for the safety and well being of the child in question, there shouldn’t be a debate in chambers regarding “Who is going to take on the responsibility and cost of services for this child?” If labeling didn’t occur and serving the best interests of children was the public policy, more options for services may occur.

Bob Marra suggests that if there was a “child fund” versus DFC, DOC, DOE, etc. funds, there would be more of a pool of money for all of children’s services.

Diane WeissBradley states that perhaps the underlying question is should there be an examination of the eligibility requirements for services. Perhaps the barriers should be identified when a child is labeled one thing or another.

Agreement was reached among Commission members that the second Cornerstone Issue should be that we begin with the “best interests of children” and let the fiscal policy follow.

*Issue Three: Efficient screening/assessment and cross-system coordination will reduce the administrative costs of services to families.*

Roger Duvall states that we can’t put the kid in the “right door” until this is accomplished, even if there is no “wrong door.”

Diane WeissBradley suggests that we seek to have all systems buy into one standard of screening and assessment of the child/family.

Larry Landis agrees and adds that the earlier the screening and assessment takes place, the better. Delay in this area tends to cause the child’s and family’s return to the system multiple times. The standard should be screening and assessment upon first contact.

Judge Taliaferro asks if there are any reliable assessment tools available for parenting skills other than the MPI2.

Steve DeMougin responds that Healthy Families has an assessment they are using for at-risk families. He further states that the Policy Academy’s thrust is to move in the direction of earlier, more comprehensive screening and assessment.

Agreement was reached among Commission members that the third Cornerstone Issue should be efficient screening/assessment and cross-system coordination to reduce the administrative costs of services to families.

*Issue Four: Increase parent accountability and systems support of parents to produce positive outcomes for children.*

Judge Taliaferro states that she resents people referring to juvenile delinquents as “criminals.” If this is the case, she states, then all we need is a criminal justice system, not a juvenile justice system. Judge Taliaferro gave the example that a parent’s behavior causes a child to enter the system as a CHINS and a child’s behavior causes the child to enter the system as a juvenile delinquent. Yet, CHINS children commit some of the same behavior as juvenile delinquents. The

ideal situation would be to get CHINS, juvenile delinquents and their parents all involved and begin to get their family's lives straightened out. All would then reap the benefits of having productive, tax paying citizens. Judge Taliaferro adds that this will ultimately only be accomplished by holding the parents accountable. Currently, the state statute does not give the judge options to work with parents until the child has been adjudicated as a delinquent, which is often too late. Could the state give the courts more ability to work with parents earlier?

Bob Marra agrees that getting parents to participate is key. Schools may get more services for children; however, if you cannot get the parents to the table, no amount of services will be effective.

Rep. Foley interjects that while we are discussing the distinction between CHINS and juvenile delinquents, the Commission must be mindful that the legislature as a whole is a reflective body of the community. We must be aware that the general public is interested in safety, security and fairness as well as justice.

Judge Taliaferro responds that the juvenile justice system should be a level, equal two handed approach—rehabilitative as well as punitive. Serious offenses by juveniles are actually decreasing. The judge stated she would be happy to go before the legislature to speak on behalf of the Commission regarding its recommendations.

Katie Humphreys, Chair, agrees with Rep. Foley that the Commission and Subcommittees will need to be mindful that the legislature is our audience and they hear many voices and must answer to many people.

Roger Duvall believes that there is a tremendous amount of opportunity to work with the 13-15 year old delinquent population and have a positive influence. He further agrees that there should be a blended sentencing theme for the 16 and 17-year old delinquents. "You are a child. We will give you another chance; however, you have to straighten up or you will move to the adult system."

Agreement was reached among Commission members that the fourth Cornerstone Issue should be to increase parent accountability and systems of support for parents to produce positive outcomes for children.

**V. Review of Subcommittee Structure & Development**

**\*Updated Topical Issues by Subcommittee**

**\*Final nominations, recruitment, & review of categorical membership**

**\*Development of Subcommittee Work plans**

Chair clarified that the use of the terms Subcommittees and Task Forces are synonymous in meaning the creation of smaller working groups which will be more nimble in their responses. During a staff meeting following the last JLC meeting, staff reiterated the importance of the sub-committees' selection and substance. Nikki Kincaid then sent out a follow-up request for nominations and recommendations of subcommittee members to the JLC members.

Larry Landis will provide the names of local public defenders for nomination.

Roger Duvall will provide the names of local prosecutors for nomination.

Nikki Kincaid directed the Commission members to the Recommended Categorical Membership document included in the Commission meeting packet of information. She further requested that Commission members review this list and recommend any additional categories necessary. Ms. Kincaid stated that the JLC staff will assist with the facilitation of the subcommittee meetings. Finally, Ms. Kincaid will give notice of when subcommittees will meet.

Bob Marra offered the teleconferencing services of the DOE for subcommittee usage.

The Chair then directed Commission members to the proposed timeline for the implementation of a workplan for the Commission's subcommittees, included in the meeting packet.

The Chair proposed that the Commission also consider inviting model programs to the Juvenile Law Commission meetings to make presentations. All members will be responsible for identifying these programs and making the request for presentations.

Justice Rucker asked whether former groups or commissions may have information which this Commission could find useful.

The Chair has used the Home and Community Based Services Commission as a boilerplate and will look into what the DMH group is currently working on with regard to integrated funding for children's services.



## **VI. New Business**

Next Meeting:

Date: Wednesday, June 16, 2004

Time: 10:30 a.m. — 12:00 p.m. (Indianapolis Time)

Location: Indiana Government Center South, Conference Room B

Meeting adjourned by Chair at 12:05 p.m.